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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,755	08/22/2001	Geoffrey B. Rhoads	P0239	9736

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DIGIMARC CORPORATION  
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SUITE 250  
TUALATIN, OR 97062

EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT PAPER NUMBER

3621

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/935,755

Applicant(s)

RHOADS, GEOFFREY B.

Examiner

Salvatore Cangialosi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. Claims 1-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims are copied from US patent 6,108,434 but neither the applicant instant application nor any of its parents disclose the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks.

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Regarding claim 1, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks. Regarding claim 2, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, 8 X 8 block accumulating or block summing. Regarding claim 3, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and discrete cosine sums. Regarding claim 4, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and extraction of statistically significant affines from different plurality of affines. Regarding claim 5, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, n X n block accumulating or block summing. Regarding claim 6, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and discrete cosine sums. Regarding claim 7, there is no basis in the originally filed specification

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for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and extraction of statistically significant affines from different plurality of affines. Regarding claim 8, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, 8 X 8 block accumulating or block summing. Regarding claim 9, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and discrete cosine sums. Regarding claim 10, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, 8 X 8 block accumulating or block summing. Regarding claim 11, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, n X n block accumulating or block summing. Regarding claim 12, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks. Regarding claim 13, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks

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or the problem of geometric distortions of any kind in watermarks, 8 X 8 block accumulating or block summing. Regarding claim 14, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and discrete cosine sums. Regarding claim 15, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks. Regarding claim 16, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, n X n block accumulating or block summing. Regarding claim 17, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and extraction of statistically significant affines from different plurality of affines. . Regarding claim 18, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, 8 X 8 block accumulating or block summing. Regarding claim 19, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions

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of any kind in watermarks, or block summing. Regarding claim 20, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and extraction of statistically significant affines from different plurality of affines. Regarding claim 21, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, 8 X 8 block accumulating or block summing. Regarding claim 22, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and extraction of statistically significant affines from different plurality of affines. Regarding claim 23, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and discrete cosine sums. Regarding claim 24, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and extraction of statistically significant affines from different plurality of affines. Regarding claim 25, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or

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the problem of geometric distortions of any kind in watermarks, 8 X 8 block accumulating or block summing. Regarding claim 26, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and discrete transforms. Regarding claim 27, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and extraction of statistically significant affines from different plurality of affines. Regarding claim 28, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks,  $n \times n$  block accumulating or block summing. Regarding claim 29, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and discrete transforms. Regarding claim 30, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and extraction of statistically significant affines from different plurality of affines. Regarding claim 31, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or



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the problem of geometric distortions of any kind in watermarks, 8 X 8 block accumulating or block summing. Regarding claim 32, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and discrete cosine sums. Regarding claim 33, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, 8 X 8 block accumulating or block summing. Regarding claim 34, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, n X n block accumulating or block summing. Regarding claim 35, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks. Regarding claim 36, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, 8 X 8 block accumulating or block summing. Regarding claim 37, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and discrete transforms. Regarding claim 38, there is

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no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks. Regarding claim 39, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks,  $n \times n$  block accumulating or block summing. Regarding claim 40, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and extraction of statistically significant affines from different plurality of affines. . Regarding claim 41, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks,  $8 \times 8$  block accumulating or block summing. Regarding claim 42, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, or block summing. Regarding claim 43, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and extraction of statistically significant affines from different plurality of affines. Regarding claim 44, there is no

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basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks, 8 X 8 block accumulating or block summing. Regarding claim 45, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and extraction of statistically significant affines from different plurality of affines. Regarding claim 46, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and discrete cosine sums. Regarding claim 47, there is no basis in the originally filed specification for the compensation for affine geometric distortions in watermarks or the problem of geometric distortions of any kind in watermarks and extraction of statistically significant affines from different plurality of affines.

2 The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-47 are rejected under 35 U.S.C. § 103 as being unpatentable over Cox et al (434).

Regarding claim 1 is a substantial duplicate of Patent Claim 1. Regarding claim 2 is a substantial duplicate of Patent Claim 2. Regarding claim 3 is a substantial duplicate of Patent Claim 3. Regarding claim 4 is a substantial duplicate of Patent Claim 4. Regarding claim 5 is a substantial duplicate of Patent Claim 5. Regarding claim 6 is a substantial duplicate of Patent Claim 6. Regarding claim 7 is a substantial duplicate of Patent Claim 7. Regarding claim 8 is a substantial duplicate of Patent Claim 8. Regarding claim 9 is a substantial duplicate of Patent Claim 9. Regarding claim 10 is a substantial duplicate of Patent Claim 10. Regarding claim 11 is a substantial duplicate of Patent Claim 11. Regarding claim 12 is a substantial duplicate of Patent Claim 12. Regarding claim 13 is a substantial duplicate of Patent Claim 13. Regarding claim 14 is a substantial duplicate of Patent Claim 14. Regarding claim 15 is a substantial duplicate of Patent Claim 15. Regarding claim 16 is a substantial duplicate of Patent Claim 16. Regarding claim 17 is a substantial duplicate of Patent Claim 17. Regarding claim 18 is a substantial duplicate of Patent Claim 18. Regarding claim

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19 is a substantial duplicate of Patent Claim 19. Regarding claim 20 is a substantial duplicate of Patent Claim 20. Regarding claim 21 is a substantial duplicate of Patent Claim 21. Regarding claim 22 is a substantial duplicate of Patent Claim 22. Regarding claim 23 is a substantial duplicate of Patent Claim 23. Regarding claim 24 is a substantial duplicate of Patent Claim 24. Regarding claim 25 is an obvious variation of Patent Claim 2 because all data manipulations require storage. Regarding claim 26 is an obvious variation of Patent Claim 3 because a discrete cosine transform is a transform. Regarding claim 27 is an obvious variation of Patent Claim 4 because a discrete cosine transform is a transform. Regarding claim 28 is an obvious variation of Patent Claim 5 because all data manipulations require storage. Regarding claim 29 is an obvious variation of Patent Claim 6 because a discrete cosine transform is a transform. Regarding claim 30 is an obvious variation of Patent Claim 7 because a discrete cosine transform is a transform. Regarding claim 31 is an obvious variation of Patent Claim 8 because a discrete cosine transform is a transform. Regarding claim 32 is an obvious variation of Patent Claim 9 because all data manipulations require storage. claim 33 is an obvious variation of Patent Claim 10 because a discrete cosine transform is a transform. Regarding claim 34 is an obvious variation of Patent Claim 11 because all data manipulations require storage. claim 35 is an obvious variation of Patent Claim 12 because a discrete cosine

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transform is a transform. claim 36 is an obvious variation of Patent Claim 13 because a discrete cosine transform is a transform. Claim 37 is an obvious variation of Patent Claim 14 because a discrete cosine transform is a transform. Claim 38 is an obvious variation of Patent Claim 15 because a discrete cosine transform is a transform. Regarding claim 39 is an obvious variation of Patent Claim 16 because all data manipulations require storage. Regarding claim 40 is an obvious variation of Patent Claim 17 because all data manipulations require storage. Regarding claim 41 is an obvious variation of Patent Claim 18 because all data manipulations require storage. Regarding claim 42 is an obvious variation of Patent Claim 19 because all data manipulations require storage. Regarding claim 43 is an obvious variation of Patent Claim 20 because all data manipulations require storage. Regarding claim 44 is an obvious variation of Patent Claim 21 because all data manipulations require storage. Regarding claim 45 is an obvious variation of Patent Claim 22 because all data manipulations require storage. Regarding claim 46 is an obvious variation of Patent Claim 23 because all data manipulations require storage. Regarding claim 47 is an obvious variation of Patent Claim 24 because all data manipulations require storage.

Any inquiry concerning this communication should be directed

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to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

**Any response to this action should be mailed to:**


Commissioner of Patent and Trademarks

Washington, D.C. 20231

**or faxed to (703)872-9306**

Hand delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor(Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is (703) **308-4177**.

  
SALVATORE CANGIALOSI  
PRIMARY EXAMINER  
ART UNIT 222